

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MARION R. PENIGAR,

Plaintiff,

vs.

CYNTHIA RAMIREZ,  
et al.,

Defendants.

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8:05cv536

MEMORANDUM AND ORDER

This matter is before the court pursuant to Fed. R. Civ. P. 4(m) which establishes a time limit for service of process on the defendant(s) in a civil case. The court notified the plaintiff of the deadline for service of process on the defendants in the court's Order on Initial Review. Because the plaintiff is proceeding in forma pauperis, the Clerk of Court provided forms for service of process to the plaintiff to complete and return to the court so that the U.S. Marshal could serve the defendants on the plaintiff's behalf. Also in the Order on Initial Review, the court notified the plaintiff that failure to effect timely service of process could result, without further notice, in dismissal of some or all defendants without prejudice. The deadline for service of process has expired, and the court's records show that the plaintiff did not complete and return the summons forms previously provided to him so that service of process could be accomplished. As no defendant has been served, the plaintiff's complaint and the above-entitled action are dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m). A separate judgment will be entered accordingly.

SO ORDERED.

August 7, 2006.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge